

**KENTUCKY BOARD OF EDUCATION  
REGULAR MEETING  
DECEMBER 7, 2011**

**STATE BOARD ROOM  
1ST FLOOR, CAPITAL PLAZA TOWER  
FRANKFORT, KENTUCKY**

***SUMMARY MINUTES***

The Kentucky Board of Education held its regular meeting on December 7, 2011, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The board conducted the following business:

**Wednesday, December 7, 2011**

***CALL TO ORDER***

Chair David Karem called the meeting to order at 9:00 a.m. and asked everyone to please turn off or mute their cell phones.

***MOMENT OF SILENCE***

Karem then noted that last week, two well-known Kentucky educators passed away and indicated that he would like to honor Martha Dell Sanders, former Kentucky Board of Education member, KEA executive and educator and Ed Adami, Superintendent of Ballard County Schools by observing a moment of silence.

***ROLL CALL***

Present for the meeting were Dorie Combs, Judy Gibbons, Billy Harper, Martha Jones, David Karem, Roger Marcum, Jonathan Parrent, Brigitte Ramsey, William Twyman, Mary Gwen Wheeler and Robert King.

***APPROVAL OF MINUTES FROM THE OCTOBER 5, 2011, REGULAR MEETING***

Roger Marcum moved approval of the October 5, 2011 minutes and Jonathan Parrent seconded the motion. The motion carried.

***ANNOUNCEMENTS***

Chair David Karem made the following announcements:

- The board and department apologizes for any inconvenience caused yesterday by the cancelling of the board's study session because of the closing of Capital Plaza Tower due

to the power outage. It was appreciated that staff got the word out through e-mail and the media about the cancelling of the session.

- The training by the Executive Ethics Commission has been postponed and rescheduled for the February meeting.
- An item has been added to the Management Committee's agenda to consider a site approval as requested by the Perry County School District.
- The board also recognizes the passing of former Madison County Superintendent Glenn Marshall.

### ***OVERVIEW OF KENTUCKY'S ESEA WAIVER REQUEST AND THE TEACHER AND PRINCIPAL EFFECTIVENESS SYSTEM***

Associate Commissioners Ken Draut, Felicia Smith and Dewey Hensley came forward for this agenda item and used a PowerPoint titled "Overview of Kentucky's ESEA Waiver Request" to update the board on this matter.

Dorie Combs indicated a concern about being able to clarify 70% versus 70<sup>th</sup> percentile. She noted that a plus of the system is looking at both school progress and individual progress but said it is important to have reasonable growth goals.

Billy Harper expressed a concern about being able to address those few teachers who are not performing in a more streamlined way.

### ***INTRODUCTION OF NEW KDE EMPLOYEES AND KDE TEAM MEMBERS OF THE MONTH***

Commissioner Terry Holliday introduced the following new Kentucky Department of Education employees:

- Frank Crossman – Education Administration Program Consultant, Division of Consolidated Plans and Audits
- Vicki Foscender – Education Administration Program Consultant, Division of Consolidated Plans and Audits
- Jessica Houston – Administrative Specialist III, Division of Resource Management
- Beth Gravett – Operations & Services Systems Engineer IT, Division of Operations and Services

The commissioner then recognized the following employee who was nominated as the October Team Member of the Month:

- Gary Leist, Capital Construction Design Program Administrator II, Division of District Support, Office of Administration and Support

## ***REPORT OF THE SECRETARY OF THE EDUCATION AND WORKFORCE DEVELOPMENT CABINET***

Secretary Joe Meyer submitted a written report but was unable to attend the meeting.

## ***REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY EDUCATION***

President King gave the following in addition to his written report:

- Commissioner Holliday and some of his staff came to a meeting at the Council on Postsecondary Education to discuss the Council's budget proposal. A significant part of the Council's budget is focused on Senate Bill 1 implementation. The Council will work with the Education Professional Standards Board to improve the caliber of teachers going into the classroom.

## ***REPORT OF THE EXECUTIVE DIRECTOR OF THE EDUCATION PROFESSIONAL STANDARDS BOARD***

Dr. Phillip Rogers indicated that his written report was submitted and he would welcome any questions on that report.

## ***REPORT OF THE COMMISSIONER OF EDUCATION***

Commissioner Terry Holliday noted that his written report was submitted and said he welcomed any questions on it.

## ***GOOD NEWS ITEMS***

The following items of good news were reported by the noted individuals:

- **Roger Marcum** - Kimberly Shearer, an English teacher at Boone County High School, has been named Kentucky Teacher of the Year. Kimberly is a seven-year teaching veteran who teaches English at Boone County High School. She earned a bachelor's degree at Georgetown College, a master's degree at Northern Kentucky University and a second master's degree at Western Kentucky University. She serves as her school's writing coordinator and has supervised a pre-service teacher. Shearer has presented at an ACT Summit and a National Council of Teachers of English national conference. She has been published in the *Community & Junior College Libraries Journal* and is a recipient of the Pulling for Kids and People Who Make a Difference awards. Shearer also was a finalist for Hixson Teacher of the Year. Her professional affiliations include the National Council of Teachers of English, Kentucky Education Association, American Library Association, Boone County Education Association and the Teaching Tolerance Southern Poverty Law Center.

Elizabeth Ann Fuller, a 3rd-grade reading and writing demonstration site teacher at J.B. Atkinson Academy in Jefferson County, was named 2012 Elementary School Teacher of

the Year. Jenni Lou Jackson, an 8th-grade language arts teacher at Corbin Middle School in the Corbin Independent school district, was named 2012 Middle School Teacher of the Year.

Congratulations to all of these outstanding teachers!

- **Martha Jones** – On November 7, at the 17th Annual Safe Schools, Successful Students Conference in Louisville, ten Kentucky public schools were recognized for the working conditions, school safety and student achievement in their buildings.

The ten were selected based on data from the Teaching, Educating, Leading and Learning ([TELL](#)) Kentucky survey, which was administered to all public school teachers and principals in March of this year.

Schools recognized as being in the Winners' Circle of working conditions and student achievement were:

- North Jackson Elementary (Barren Co.)
- North Middletown Elementary (Bourbon Co.)
- South Heights Elementary (Henderson Co.)
- Lowe Elementary (Jefferson Co.)
- Adairville Elementary (Logan Co.)
- Benton Middle (Marshall Co.)
- North Oldham High (Oldham Co.)
- Bevins Elementary (Pike Co.)
- Pulaski County Area Technology Center (Pulaski County)
- Rockcastle County Middle (Rockcastle County)

Congratulations to these outstanding schools for the work they have done to offer a safe and encouraging environment conducive to learning.

- **David Karem** – Lu Young, superintendent of Jessamine County Schools, was selected as the 2012 Kentucky Superintendent of the Year by the Kentucky Association of School Administrators. She will now compete for the National Superintendent of the Year Award given by the American Association of School Administrators.

Jessamine County Board of Education member said in her letter of nomination that “Lu is a superintendent who is leading the way for education in Kentucky,” and attributed increased student achievement, graduation rates, and community involvement to Young’s leadership.

Since Young became superintendent, the district’s dropout rate has decreased from 7.6% in 2004 to 2.54% in 2010. She has also led her district to increased scores in reading and math, particularly among students with disabilities, and has reduced district spending by over \$2.5 million in the last two years.

At the state level, Lu Young currently serves as one of two Kentucky representatives on the American Association of School Administrators Governing Board, chair of Kentucky's School Curriculum Assessment and Accountability Council, member of the board of directors for the Kentucky Association of School Superintendents, member of the Kentucky Advisory Council on Gifted and Talented Education, and a member of the Kentucky Department of Education's Local Superintendent's Advisory Council. She was also a trainer in the Teaching/Learning Module of the Kentucky New Superintendent's Training through KASA in 2011.

Please join me in publicly congratulating Lu Young on receiving this outstanding honor!

### ***PUBLIC COMMENT SEGMENT***

The following individuals came forward to speak during this portion of the meeting:

- Jessica Ender – 703 KAR 5:070
- Kennedy Turner – 703 KAR 5:070
- Dick Richards – gender equity in sports

### ***DIGITAL LEARNING 2020: A POLICY REPORT FOR KENTUCKY'S DIGITAL FUTURE***

Coming forward for this report were Division Director David Cook, KDE Consultant Robert Fortney and Tom VanderArk from OpenEd Solutions. A PowerPoint was used to summarize the material related to this report and the major points were as follows:

- One of the key recommendations of the final report of the Governor's Task Force on Transforming Education in Kentucky was to implement policies to enhance and expand virtual and blended learning, including funding options to ensure equitable access to students across the Commonwealth.
- In the summer of 2011, the Kentucky Department of Education released an RFP to commission the writing of a policy report on digital learning; OpenEd Solutions won that bid and submitted Digital Learning 2020 to the Kentucky Department of Education.
- The elements of digital learning are student access, barriers to access, personalized learning, advancement, quality content, quality instruction, quality choices, assessment and accountability, funding and infrastructure.
- The process used to construct the report included quantitative data analysis, qualitative methods, a summit and report feedback loops.
- Recommendations from the report deal with the areas of access to digital learning, personalization and advancement, curriculum and instruction, assessment and accountability and funding and infrastructure.

The actual recommendations from the report were:

- All students should be eligible for digital learning.
- Multiple statewide online learning providers should be authorized to expand full and part-time options.
- Allow students to personalize their learning.
- Support customized learning pilots.
- Support competency-based learning pilots.
- Plan for a shift to online instructional materials by 2013-14.
- Support the shift of blended instruction.
- Plan for online assessment by 2013-14.
- Create a statewide online/blended authorizers/contractor.
- Develop a fractional and performance-based funding model.
- Create a program management office and fund the transition.

## ***ANNOUNCEMENTS***

Chair Karem indicated that the board would now be doing two special recognitions, the Dr. Samuel Robinson Award and the Dr. Johnnie Grissom Award. He noted that following those recognitions, the board will recess for lunch and reconvene in the state board room at 1:00 p.m. Karem also stated that the presentation of the Joseph Kelly Award will be delayed until the February meeting because the selected winner had a scheduling conflict and could not be at today's meeting.

## ***PRESENTATION OF THE DR. SAMUEL ROBINSON AWARD AND DR. JOHNNIE GRISSOM AWARD***

Chair David Karem began with the Dr. Samuel Robinson Award presentation and made the following presentation speech:

In June 2004, the Kentucky Board of Education established the Dr. Samuel Robinson Award to be conferred annually on an individual or group in Kentucky for outstanding leadership, commitment and service in promoting equity and opportunity to learn at high levels for all Kentucky students.

These traits – leadership, commitment and service – are the hallmarks of Dr. Robinson’s remarkable career as an advocate for all children. He is unable to join us today due to some recent surgery but sends his congratulations to the winner.

While Dr. Robinson has set a high standard, the selection committee believes that Dr. Robert Sexton is worthy of the award bearing Dr. Robinson’s name. It saddens us to present this award posthumously but we want to recognize and celebrate Bob’s accomplishments and what he meant to us and the students of this state.

Bob Sexton’s entire career was focused on improving education in Kentucky at all levels. He brought education leaders together to hammer out policy and strategy issues on which the groups could agree and then promoted them with policy makers. Over the years, he generated bipartisan support for legislative initiatives that helped to move Kentucky’s education system forward.

Many have said that without Bob Sexton’s leadership and determination, the historic enactment of the Kentucky Education Reform Act of 1990 would not have been possible. He worked tirelessly behind the scenes as well as publicly with advocates, governors, legislators and the media.

His career included a professorship at Murray State University, staff work on the Council for Higher Education, 34 years with the Prichard Committee, a visiting scholar at Harvard and Brown Universities, a founding role with the Governor’s Scholars’ program, and board work on the Carnegie Center for Learning and Literacy in Lexington, the Kentucky Long-Term Policy Research Center, the New Opportunity School for Women, and Kentucky Center for Public Issues. Bob had national service on Editorial Projects in Education (publishers of *Education Week* and *Teacher Magazine*), the Education Trust, the Center for Teaching Quality, the Education Commission of the States and the American Association for Higher Education.

Bob Sexton tackled the most important challenge of our time, which is how to help Kentucky kids become competitive in a knowledge economy. Honoring his memory with the Dr. Samuel Robinson Award is an inspiring reaffirmation of where Kentucky has come and where we yet to aspire – to support our schools.

I ask that Pam Sexton, Bob’s wife, come forward to accept this award on his behalf.

Mrs. Sexton gave a brief acceptance speech.

Next, Chair Karem proceeded with presenting the Dr. Johnnie Grissom Award and gave the following presentation speech:

Today, the board is presenting “The Dr. Johnnie Grissom Award – Striving for Achievement through Instructional Equity”.

The award is presented annually to an individual or group with outstanding accomplishments in striving to help all students achieve at high levels through instructional equity and in closing the achievement gap. It was established to honor the tremendous work and dedication of long-time former KDE employee, Associate Commissioner of Special Instructional Services, Dr. Johnnie Grissom, who is now deceased.

The latest winner of the award is Kathleen Reutman Bryant, Executive Director of Student/Community Services in the Boone County Schools. She has over 30 years of experience serving as an administrator in reducing barriers for students. In her current position, Kathy goes above and beyond in many ways, such as: finding resources for the growing number of homeless students; ensuring that limited funds are spent on the neediest students through Title I; working with the Florence City Council to acquire the city's commitment to partner with the schools in the urban core; writing grants to increase the healthy choices of students; developing adult education and alternative education programs as a second chance for struggling students; and championing the rights of the youngest students, even before they come to school. Also, for any crisis in the school district, Kathy leads a team of psychologists, counselors and volunteers to provide care and support for students, staff and the community.

Outside of her regular job, Kathy serves on the boards of the Special Olympics and Boone County Success by Six and is a One-to-One reading mentor. She co-founded the Success by Six initiative in Boone County, developing a partnership with the Fiscal Court, the library system, local businesses and agencies in order to target the literacy and health needs of children birth to age 6. She also brought the Positive Behavioral and Intervention Supports program to the school district, leading 17 schools to be able to teach students how to make the right choices with regard to behavior and teaching teachers how to make expectations explicit. Through her work, student suspensions and behavior incidents have dramatically decreased.

More can be shared but the bottom line is that Kathy ensures everything she does supports students' learning. It is my pleasure to ask Kathy Reutman Bryant to come forward to receive the Dr. Johnnie Grissom Award.

***703 KAR 5:070, INCLUSION OF SPECIAL POPULATIONS IN THE STATE-REQUIRED ASSESSMENT AND ACCOUNTABILITY PROGRAMS (FINAL)***

Associate Commissioner Ken Draut and Division Director Rhonda Sims came forward for this agenda item. Draut said that staff would focus on the changes made to the regulation since the board's last review in October as well as on the topic of accommodations. He then asked Rhonda Sims to go over the changes that had been made to the regulation.

Sims proceeded to go over the changes in the regulation that were found on pages 58 and 59 of the Agenda Book.

Ken Draut then moved on to provide board members with a history on the accommodations issue nationally and the impact that this issue has on the National Assessment of Educational Progress.



Commissioner Holliday added that staff wants to support the board in making a fact-based decision and has put together additional data on the accommodations issue.

Ken Draut continued by walking the board through handouts that were titled “Test Accommodations for Readers, NAEP Summary of State Accommodations, Summary of State Policies Regarding the Reader on the Reading Test, Kentucky Accommodations 2011 Kentucky Core Content Test and NAEP Accommodation Rates”.

Jonathan Parrent then asked if readers are allowed in other subject areas.

Ken Draut replied affirmatively and said that the problem is just around the construct of reading and the one summative test.

Commissioner Holliday emphasized that to keep from being flagged as a state that is not following the guidance from the National Assessment of Educational Progress, Kentucky needs to address this issue. He stated that if we do not comply, the state results for reading comprehension become suspect. Holliday noted that we cannot keep excluding a large percentage of students from the test.

At this point, Roger Marcum moved final approval of 703 KAR 5:070 and Dorie Combs seconded the motion.

Board members asked that it be communicated that all districts need to work harder to make students independent readers.

Commissioner Holliday replied affirmatively. He said it is unconscionable to have so many students using readers. He said that the department will be providing professional development to start helping teachers to support students in becoming independent readers.

Dorie Combs added that the goal must be to move toward independence and Mary Gwen Wheeler agreed.

The question was called and the motion carried.

### ***703 KAR 5:240, ACCOUNTABILITY DEFINITIONS AND PROCEDURES (FINAL)***

Associate Commissioner Ken Draut and Division Director Rhonda Sims remained at the table for this discussion. Draut said that this regulation deals with the procedures in the accountability system and noted that on page 120 of the Agenda Book some changes are cited that have been made to the regulation.

At this point, Jonathan Parrent moved final approval of 703 KAR 5:240 and Dorie Combs seconded the motion. The motion carried.

***703 KAR 5:140, REQUIREMENTS FOR SCHOOL AND DISTRICT REPORT CARDS  
(FINAL)***

Associate Commissioner Ken Draut and Division Director Rhonda Sims were available to answer questions about this regulation. Draut noted that anything not required by state or federal law was taken out of the regulation. He said that the department can now populate most of the data for the report cards for schools and districts. Draut cited the only change in the regulation could be found on page 137 of the Agenda Book.

At this point, Martha Jones moved final approval of 703 KAR 5:140 and Judy Gibbons seconded the motion.

Mary Gwen Wheeler thought that families might want to know more about the teachers than what is displayed in this regulation.

Commissioner Holliday responded that the link to the TELL survey is provided as well as the degree status.

At this point the question was called and the motion carried.

***REPEAL OF ASSESSMENT AND ACCOUNTABILITY REGULATIONS BEING  
REPLACED BY 703 KAR 5:240 (FINAL)***

Commissioner Ken Draut said that these are regulations containing old procedures and thus he indicated there is no reason to have these on the books.

Roger Marcum then moved final approval of 703 KAR 5:002, 703 KAR 5:021, 703 KAR 5:041, 703 KAR 5:051, 703 KAR 5:061, 703 KAR 5:121 AND 703 KAR 5:161. Brigitte Ramsey seconded the motion and it carried.

***LEGISLATIVE AGENDA FOR THE 2012 REGULAR SESSION OF THE GENERAL  
ASSEMBLY***

Associate Commissioner Kevin Brown and Legislative Liaison Tracy Herman came forward for this presentation. Brown said that the budget priorities and legislative priorities have been merged together and asked if there were any questions.

Brigitte Ramsey asked what type of tracking the board could expect during the session.

Tracy Herman replied that the board would receive a summary every Friday.

Dorie Combs then asked if there had been any pre-filed bills in the education area.

Tracy Herman replied affirmatively and said that she would send an update out to the board on this.

Kevin Brown indicated that during Internal Board Business staff would be discussing next week's Education Assessment and Accountability Review Subcommittee meeting and how the board can support staff during this meeting.

### ***HEARING OFFICER'S REPORT***

Associate Commissioner Kevin Brown came forward to give the Hearing Officer's report. Brown reported the following:

- Relative to 704 KAR 19:001, Alternative Education Programs, significant written comments were received on this regulation as well as four comments received at the public hearing. Due to the timing of the hearing and the amount of comments received, staff was unable to get a Statement of Consideration ready for this meeting and thus it is being proposed to withdraw this regulation and come back to the board with additional changes after work occurs on the regulation.
- At the December 12 Education Assessment and Accountability Review Subcommittee meeting, two regulations will be considered. These are 703 KAR 5:200, Next Generation Learners and 703 KAR 5:230, Next Generation Instructional Programs and Support.
- 703 KAR 5:220, School and District Accountability Recognition, Support and Consequences is being delayed and will come back to the board in February due to additional changes that will have to occur related to the ESEA Waiver Request.

### ***ANNOUNCEMENTS***

Chair David Karem announced the following:

- The board will now move to committee meetings with the Curriculum, Instruction and Assessment Committee going first followed by the Management Committee. Both meetings will be held in the state board room.
- At the end of the Management Committee meeting, the full board will convene in the state board room.

### ***CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE MEETING***

#### **Action/Discussion Items**

1. **704 KAR 5:070, Common Kindergarten Entry Screener (Final)**. Associate Commissioner Felicia Smith went over the changes that were made to the regulation since the board's review in October. She indicated these changes were made as a result of feedback that had been received and also pointed out a letter of support that was made available to the board from Terry Tolan and the Early Childhood Advisory Council.

Brigitte Ramsey indicated that she sits on the Early Childhood Advisory Council and is thrilled to see the merging of the screener into the K-3 program review. She asked for an explanation of the 45-day window on page 3, line 12 of the regulation.

Associate Commissioner Smith replied that input was gathered from the School Curriculum, Assessment and Accountability Council, Local Superintendents Advisory Council and the subcommittee for the Early Childhood Advisory Council on when to administer the screener. She noted that the 15 days prior to the beginning of the school year accommodates superintendents' request to be able to administer it right before the school year begins and the 30 days after school begins allows a time to still give the screener to assess students' readiness.

Mary Gwen Wheeler asked if a vendor will be secured for determining the screener that will be used.

Smith replied affirmatively and said an RFP will go out after the approval of this regulation.

At this point, Mary Gwen Wheeler moved final approval of 704 KAR 5:070 and Dorie Combs seconded the motion. The motion carried.

2. **Science Standards Update and Request for Support of the Environmental Literacy Plan.** Associate Commissioner Felicia Smith noted that on page 159 of the Agenda Book an update on the work around the science standards and their development appears and noted that Kentucky is one of the states selected to work on this. She continued that an update on the Kentucky Environmental Literacy Plan also appears within this staff note. She then asked Dr. Melinda Wilder and William Bennett from Eastern Kentucky University to come forward and give a short overview of the Kentucky Environmental Literacy Plan.

Dr. Wilder and Mr. Bennett utilized a PowerPoint to share the following points about the Kentucky Environmental Literacy Plan:

- Environmental education is interdisciplinary and students connect and apply learning from all content areas.
- The benefits of environmental education include preparing students for real-world challenges, increasing student achievement on standardized tests and other measures of academic progress and improving student motivation as measured by increased attendance, decreased tardiness and fewer discipline referrals.
- An implementation advisory team will identify the number of low cost steps that can be implemented and create a timeline; will identify gaps between state learning standards and national environmental literacy standards to create a crosswalk to help identify gaps and will identify sources for funding and create applications for funding that can move implementation forward.

- The Kentucky Department of Education and the Kentucky Environmental Education Council will form a team of stakeholders to guide implementation of the Kentucky Environmental Literacy Plan that will include content-specific professional organizations, educational cooperative representatives, facility services staff, KDE assessment, career education and curriculum development staff, Kentucky university partnership for environmental education, K-12 representatives, a non-formal environmental educator, a school district sustainability coordinator/energy coordinator and a school-based council member.
- The implementation advisory team and working groups will meet one to four times per year as needed to ensure implementation of the Kentucky Environmental Literacy Plan.

Mary Gwen Wheeler asked if this would be another program review.

Felicia Smith indicated that it is not the intent to make this another program review.

At this point, Dorie Combs moved to support the Kentucky Environmental Literacy Plan and Martha Jones seconded the motion. The motion carried.

Commissioner Holliday shared that relative to science standards, the department was unable to meet the Senate Bill 1 deadline for science and social studies and informed the General Assembly that Kentucky would be a leading state working with the Council of Chief State School Officers on the development of standards in these two areas. He explained that just like the other subject areas went through a development process, these subject area standards will also follow the same process and then through the leadership networks will be unpacked. He said that the board has been contacted by a superintendent about the science standards and noted that a follow-up response has been sent to the board. Holliday commented that this last response urges the board not to participate with the group of states in developing the science standards; however, he explained that the ship has already sailed on this matter. He emphasized that once the science standards are developed, everyone will have the opportunity to comment on them.

3. **Request from the Fayette County Board of Education for waiver of the timeline requirements of the leadership assessment set forth in 703 KAR 5:180, Section 2(1) and Section 3(1) and approval of the waiver for other districts in similar circumstances.** Associate Commissioner Dewey Hensley explained that Bryan Station High School is involved in a leadership development process that is already underway and the district asked if the leadership assessment could be delayed so that the current process could be carried out.

At this point Mary Gwen Wheeler moved approval of the waiver request from Fayette County and other districts in similar circumstances and Billy Harper seconded the motion. The motion carried.

## **Review Items**

1. **New Restraint and Seclusion Regulation.** Associate Commissioners Kevin Brown and Felicia Smith came forward along with Division Director Johnny Collett. Brown explained that the United States Department of Education has not issued guidelines in this area and that due to incidents and deaths with the nation related to restraint and seclusion issues, the department felt it was urgent to move ahead with a regulation. He noted that staff has worked with numerous groups to have the regulation for review at this meeting and noted that it would come back in February for final approval.

Felicia Smith noted that the staff note on page 193 of the Agenda Book identifies the partners that have been involved in this work.

Johnny Collett clarified that the department is not saying that restraint and seclusion cannot be used but instead is citing appropriate practices.

Judy Gibbons stated her concern that the board needs to hear from the medical community on the content of this regulation.

Felicia Smith replied that staff will follow-up on this request and bring back feedback from the medical community at the next reading of the regulation.

Dorie Combs expressed that this is a disturbing report and shows that this is an issue of urgency. Judy Gibbons concurred with Combs' statement.

2. **704 KAR 4:020, School Health Services.** Associate Commissioner Hiren Desai and Division Director Kay Kennedy came forward for this item. Kennedy explained that staff is proposing amendments to the health services regulation and used page 193 of the Agenda Book to go over the proposed changes to the regulation.

Judy Gibbons pointed out that this regulation will come back to the committee in February for final approval.

## ***MANAGEMENT COMMITTEE MEETING***

### **Action/Consent Items**

1. **New District Facility Plans: Barren County and Science Hill Independent School Districts.** Coming forward for this item were Associate Commissioner Hiren Desai, Division Director Kay Kennedy and Tim Lucas. The committee was asked if they had any questions about the facility plans under consideration.

Brigitte Ramsey thought that in the future the committee would like to see population trend data for the service area in situations like Science Hill Independent. She asked that this be given consideration for future meetings.

At this point, Roger Marcum moved approval of the Barren County and Science Hill Independent School facility plans. Jonathan Parrent seconded the motion and the motion carried.

2. **2011-12 Local District Tax Rates Levied.** An amended list of tax rates was handed out to the committee for their consideration.

At this point, Bill Twyman moved approval of all submitted tax rates levied and Roger Marcum seconded the motion. The motion carried.

3. **Request for Waiver of 702 KAR 5:060, Section 6(2) from the Fort Thomas Independent School District.** Division Director Kay Kennedy said this waiver request comes annually and is recommended for approval.

Jonathan Parrent moved approval of the waiver request from Fort Thomas and Roger Marcum seconded the motion. The motion carried.

### **Action/Discussion Items**

1. **School Facility Construction – Facility Unmet Needs Report.** Tim Lucas explained how the unmet need is calculated and then recommended approval of the report.

Roger Marcum moved approval of the Facility Unmet Needs Report and William Twyman seconded the motion. The motion carried.

2. **Perry County Site Approval.** Tim Lucas explained that the DC Wooten Elementary School needs to be replaced due to its deterioration. He noted that the issue with the proposed site is that the cost of the property and site development are 18.23% of the total estimated project cost, which exceeds the allowed amount in 702 KAR 4:050. Lucas went on to say the proposed site totals approximately 24 acres and indicated the land is level and outside of the 100-year floodplain. He continued that the availability of all local utilities and a four-lane access road connecting district property to KY Highway 80 have been confirmed. Lucas noted that staff recommends approval of the site acquisition cost and the estimated site development cost for the property because after considering several other sites, this one meets the criteria of the facility plan and other criteria required by regulation.

Jonathan Parrent then moved approval of the site for the new elementary school to replace DC Wooten Elementary in Perry County along with the forbearance agreement. Roger Marcum seconded the motion and it carried.

### **Review Items**

1. **702 KAR 7:065, Designation of Agent to Manage High School Interscholastic Athletics and Revisions in Kentucky High School Athletic Association Bylaws.** Coming forward for this item were Commissioner Julian Tackett, Jack Collins and Barry Bilberry all with the Kentucky High School Athletics Association (KHSAA). Tackett explained that the

KHSAA membership meets in the fall and changes come forward for consideration to the board. He then went over the proposed changes found on pages 352-358 of the Agenda Book.

2. **KHSAA Annual Reporting Requirements as Required by 702 KAR 7:065.**

Commissioner Tackett summarized that the Association still maintains its focus on Title IX and had attached a report titled “Summary of Deficiencies Noted on Title IX Revisits 2010-11” starting on page 373 of the Agenda Book.

Roger Marcum noted that in the public comment segment this morning a gentleman addressed the board a second time about gender equity. He asked Commissioner Tackett about how this could be improved.

Commissioner Tackett said he had met with the gentleman about his concerns and felt that the number one way to improve gender equity is enforcing the rules more rigidly. However, he noted this is a federal regulation administered by the Office of Civil Rights and indicated that he does not how much further the Association can go without a change in federal law. Additionally, Tackett thought that data collection could improve the situation because in the next couple years the Association will be able to track and post data relative to gender equity.

***APPROVAL OF ACTION/CONSENT ITEMS***

On behalf of the Management Committee, Brigitte Ramsey moved approval of all submitted district facility plans, all submitted local district tax rates levied and the request for a waiver of 702 KAR 5:060 from the Fort Thomas Independent School District. The board concurred with the motion.

***REPORT OF THE CURRICULUM, INSTRUCTION AND ASSESSMENT COMMITTEE ON ACTION/DISCUSSION ITEMS***

Chair Judy Gibbons moved approval of 704 KAR 5:070 and the request from the Fayette County Board of Education for a waiver of timeline requirements for the leadership assessment set forth in 703 KAR 5:180, Section 2(1) and Section 3(1)/approval of the waiver for other districts in similar circumstances. The board concurred with the motion. Gibbons then moved support of the Environmental Literacy Plan and the board concurred with this motion.

***REPORT OF THE MANAGEMENT COMMITTEE ON ACTION/DISCUSSION ITEMS***

Chair Brigitte Ramsey moved approval of the School Facilities Construction – Facility Unmet Needs Report and the Perry County site acquisition including the forbearance agreement. The board concurred with the motion.

***BOARD MEMBER SHARING***

The following members shared items of interest as follows:



- Billy Harper – The commissioner and state chamber are to be commended for their work around the state to promote college and career-readiness.
- Mary Gwen Wheeler – Secretary Duncan’s visit was very successful and I attended the meeting with Representative Yarmuth.
- Roger Marcum – At the November Green River Regional Education Cooperative meeting, the superintendents shared a lot of frustration about higher expectations and few resources, which I was asked to convey to the board. This is worrisome as to how it is impacting morale. I will be attending the Central Kentucky Education Cooperative soon and expect to hear similar concerns.
- Judy Gibbons – The Kentucky Education Action Team met and refined its messages. Meetings with legislators will soon occur to seek equitable funding.
- Brigitte Ramsey – The board needs to understand questions related to data quality and related issues and this might be a topic for a future study session.

### ***INTERNAL BOARD BUSINESS***

Mary Ann Miller reported on a paperless meeting system that staff evaluated and recommended that a demonstration occur at the February meeting by the Kentucky School Boards Association staff. The board concurred with this recommendation. Miller also reported on research with other state boards around the country on how the boards evaluated their meetings and themselves. It was agreed that board leadership will discuss the findings and come back to the board on recommendations for what to implement in this area.

Associate Commissioner/General Counsel Kevin Brown reminded the board that the Education Assessment and Accountability Review Subcommittee would be considering two of the assessment and accountability regulations at the December 12 meeting and noted that board members may be asked to attend and/or assist with the presentation.

### ***ADJOURNMENT***

Brigitte Ramsey moved to adjourn the meeting and Billy Harper seconded the motion. The motion carried.

